

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DAVID NATHANIEL VAZQUEZ,
Plaintiff,
v.
THE PEOPLE OF THE STATE OF
CALIFORNIA,
Defendant.

Case No. 2:24-cv-11264-MRA-SHK

ORDER ACCEPTING FINDINGS AND RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE

Pursuant to 28 U.S.C. § 636, the Court has reviewed Plaintiff¹ David Nathaniel Vazquez’s (“Plaintiff”) Notice of Removal, the relevant records on file, and the R&R of the United States Magistrate Judge. No objections have been

¹ The Court observes that this case was docketed as a habeas corpus case and, therefore, the parties were labeled as Petitioner and Respondent on the docket. As discussed in the Report and Recommendation (“R&R”), however, the United States Magistrate Judge who issued the R&R construed Plaintiff’s discussion of his Constitutional claims as a possible attempt to bring a civil rights action under 42 U.S.C. § 1983 (“§ 1983”). As such, the R&R refers to Mr. Vazquez as Plaintiff, as is appropriate in a civil rights case brought under § 1983, rather than as Petitioner, which would have been appropriate if this was a habeas corpus case. The Court agrees with the Magistrate Judge’s interpretation of this case as being appropriately construed as a civil rights case brought under § 1983, rather than a habeas corpus case and, thus, also refers to Mr. Vazquez as Plaintiff, rather than Petitioner. Further, because this is not a habeas corpus case, the Court need not address whether a certificate of appealability is necessary.

1 filed. The Court accepts the findings and recommendation of the Magistrate
2 Judge.

3 IT IS THEREFORE ORDERED that Judgment be entered **DISMISSING**
4 this action without prejudice.

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6 Dated: May 1, 2025

Mónica R. Alm

7 HON. MÓNICA RAMÍREZ ALMADANI
8 United States District Judge

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